

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BIENVENIDO J. POLANCO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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GARY R. JONES, United States Magistrate Judge:

Pending before the Court is Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (Docket No. 26.) The parties have filed a Stipulation, (Docket No. 31) stipulating that Plaintiff should be awarded seven thousand four hundred ninety-three dollars and eighty cents (\$7,493.80) in attorney's fees and expenses under the Equal Access to Justice Act.

Upon due consideration, it is **ORDERED**:

1. Plaintiff is awarded attorney's fees under the EAJA in the amount of **\$7,493.80**. The payment of attorney's fees is subject to any offsetting debt owed by the Plaintiff to the United States. Before the Commissioner shall be obligated to pay the EAJA fees and costs, the Commissioner must determine whether Plaintiff owes a debt to the

government. In the event the United States Department of the Treasury determines that Plaintiff does not owe a federal debt, the Commissioner must then pay the fees directly to Plaintiff's counsel.

2. The Clerk must **TERMINATE** Plaintiff's Motion for Attorney's Fees (Docket No. 26) as a pending motion and then close the file.

Dated: July 20, 2022

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge